

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

REXON INDUSTRIAL CORPORATION, LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-CV-30180-MAP
	)	
PORTER-CABLE CORPORATION,	)	
DELTA INTERNATIONAL MACHINERY	)	
CORP. and PENTAIR, INC.,	)	
	)	
Defendants.	)	
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	)	
BLACK & DECKER INC.,	)	
BLACK & DECKER (U.S.) INC. and	)	
PORTER-CABLE CORPORATION,	)	
	)	
Plaintiffs-in-Counterclaim,	)	
	)	
v.	)	
	)	
REXON INDUSTRIAL CORPORATION, LTD.,	)	
	)	
Defendant-in-Counterclaim.	)	

**JOINT RULE 26(f) REPORT**

1. **Meeting.** Pursuant to this Court's Order of April 21, 2005, Local Rule 16 and Rule 26(f), Fed.R.Civ.P., a meeting was held on May 6, 2005 and was participated in by:
- (1) On behalf of Plaintiff and Defendant-in-Counterclaim Raxon Industrial Corporation, LTD (“Raxon”): J. Kevin Grogan.
  - (2) On behalf of Defendants Porter-Cable Corporation and Delta International Machinery and Plaintiffs-in-Counterclaim Black & Decker Inc., Black & Decker (U.S.) Inc. and Porter-Cable Corporation (collectively “Black & Decker”): Raymond P. Niro, Jr. and Dina M. Hayes.

The parties discussed the nature of and bases for their claims and defenses, as well as the possibilities for a prompt settlement, and developed the following proposed discovery plan.

**2. Pre-Discovery Disclosures.** The parties will exchange by May 25, 2005 the information required by Rule 26(a)(1), Fed.R.Civ.P.

**3. Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

(A) Discovery will be needed on at least the following subjects: patent infringement, patent validity, damages and willfulness with respect to each of the following patents:

U.S. Patent No. 5,285,708

U.S. Patent No. 5,375,495

U.S. Patent No. 6,688,203

U.S. Patent No. 5,819,619

U.S. Patent No. 6,431,040

U.S. Patent No. 6,427,570

(B) **Discovery Deadlines:** Despite the parties' attempt to agree on the discovery deadlines, they were unable to do. Therefore, the parties present separate positions on the following deadlines.

(1) **Rexon's Position:** All fact discovery commenced in time to be completed by March 15, 2006. All expert discovery commenced in time to be completed by July 15, 2006;

(2) **Black & Decker's Position:** All fact discovery commenced in time to be completed by November 30, 2005. All expert discovery commenced in time to be completed by February 28, 2006.

(C) Each party will have 25 interrogatories absent further agreement of the parties or leave of Court.

(D) Maximum of 60 requests for admission by each party to any other party.

- (E) Maximum of 15 depositions by Rexion and 15 by Black & Decker absent further agreement of the parties or leave of Court. Each deposition limited to a maximum of 7 hours unless extended by agreement of the parties or leave of Court.
- (F) Expert Reports: Despite the parties' attempt to agree on the expert report deadlines, they were unable to do. Therefore, the parties present separate positions on the following deadlines.
  - (1) Rexion's Position: Reports from retained experts under Rule 26(a)(2) due from party bearing the burden of proof by April 16, 2006; Reply briefs due by May 15, 2006;
  - (2) Black & Decker's Position: Reports from retained experts under Rule 26(a)(2) due from party bearing the burden of proof by December 30, 2005; Reply briefs due by January 31, 2006.

**4. Other items.**

- (1) The case does not require reference to the procedures set forth in the Manual on Complex Litigation.
- (2) The parties do not request severance or bifurcation of any issues for discovery or trial.
- (3) The parties should be allowed until July 15, 2005 to join additional parties and to amend the pleadings. At this time, the parties cannot reasonably predict the likelihood of the appearance of additional parties.
- (4) Since discovery has not yet been initiated, the parties do not have a firm understanding as to which, if any, issues may be determined by motion. However, the parties believe that it is likely that some issues may be appropriate for resolution by motion. Despite the parties' attempt to agree on the dispositive motion deadline, they were unable to do. Therefore, the parties present separate positions on the following deadline.

- (1) Rexon's Position: All dispositive or partially dispositive motions shall be filed by August 15, 2006;
- (2) Black & Decker's Position: All dispositive or partially dispositive motions shall be filed by March 15, 2006.
- (5) The parties have discussed settlement, but no agreements have been reached. If the Court requires the parties to engage in settlement procedures, the parties would elect to proceed with a settlement conference before the assigned Magistrate or mutually agreeable mediator.
- (6) The parties request a pretrial conference at the earliest date on the Court's calendar after dispositive motions are decided. At this time trial is expected to take approximately 3-5 days. A jury trial has been requested.
- (7) The parties request a conference with the Court before entry of the Scheduling Order.

/s/ C. Jeffrey Kinder

C. Jeffrey Kinder (BBO# 563890)

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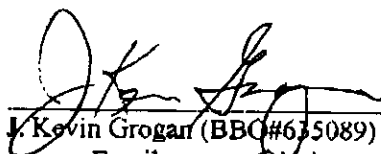
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